



## Public Health Environmental Health Services

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Division Chief

June 20, 2017

System No. 3600114

San Bernardino County Special Districts Department  
CSA 70 W-3 Hacienda  
Attn: Jeff Rigney, Director  
12402 Industrial Boulevard, D-6  
Victorville, CA 92395

Enclosed is Citation No. 05\_66\_17C\_018\_3600114\_02 issued to the County Service Area (CSA) 70 W-3 Hacienda public water system.

Any person or entity who is aggrieved by a citation, order or decision issued by the Division of Environmental Health Service (DEHS) under Article 8 (commencing with Health and Safety Code, Section 116625) or Article 9 (commencing with Health and Safety Code, Section 116650), of the Safe Drinking Water Act (Chapter 4, Part 12, Division 104, of the Health and Safety Code) may file a petition with the State Water Board for reconsideration of the citation, order or decision. Appendix 1 to the enclosed citation contains the relevant statutory provisions for filing a petition for reconsideration. (Health and Safety Code, Section 116701).

Petitions must be received by the State Board within 30 days of the issuance of the citation, order or decision by the DEHS. The date of issuance is the date when the DEHS mails a copy of the citation, order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day. Petitions must be received by 5:00 p.m.

Information regarding filing petitions is available at:

[http://www.waterboards.ca.gov/drinking\\_water/programs/petitions/index.shtml](http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml)

A handwritten signature in black ink, appearing to read "J. Chakma".

Joy Chakma  
Environmental Health Specialist III  
Division of Environmental Health Services  
San Bernardino County

cc: Eric J. Zúñiga, PE, SWRCB by email at [eric.zuniga@waterboards.ca.gov](mailto:eric.zuniga@waterboards.ca.gov)

**San Bernardino County  
Department of Public Health  
DIVISION OF ENVIRONMENTAL HEALTH SERVICES**

IN RE: CSA 70 W-3 Hacienda  
Water System No.: 3600114

TO: San Bernardino County Special Districts Department  
CSA 70 W-3 Hacienda  
Attn: Jeff Rigney, Director  
12402 Industrial Boulevard, D-6  
Victorville, CA 92395

**CITATION NO.: 05\_66\_17C\_018\_3600114\_02  
FOR  
VIOLATION OF HEALTH AND SAFETY CODE SECTION 116555 (a) (1)  
AND THE PRIMARY DRINKING WATER STANDARD FOR URANIUM**

**Issued June 20, 2017**

The Division of Environmental Health Services (hereinafter "Division"), hereby issues this Citation (hereinafter "Order") pursuant to Section 116555 of the California Health and Safety Code (hereinafter "CHSC") to County Service Area 70 W-3 Hacienda Water System (hereinafter "Water System") and its owner of record for violation of CHSC section 116555(a) (1) and Title 22, California Code of Regulations (hereinafter "CCR"), Section 64442.

**APPLICABLE AUTHORITIES**

The applicable statutes and regulations are provided in Attachment A, attached hereto and incorporated by reference.

**STATEMENT OF FACTS**

The Water System is a "county service area" created under the State of California's County Service Area Law. The Water System is permitted as a community public water system as defined in CHSC, Section 116275 (i). The Water System provides daily water service to approximately 153 service connections or 504 residents (using a coefficient of 3.3 persons per household) in the unincorporated community known as Hacienda, San Bernardino County. The Water System utilizes two groundwater wells (Well 1 and Well 2) as its source of domestic water. Title 22, CCR, Division 4, Chapter 15, Article 5, establishes primary drinking water standards and monitoring and reporting requirements for radioactive constituents. All public water systems must comply with the maximum contaminant level (MCL) for uranium of 20 pCi/L respectively, as established in Title 22 CCR Section 64442. The current running annual average (RAA) from Well 1 on February 6, 2017 was established at an average uranium concentration of 24.5 pCi/L as shown in Table 1 which is in exceedance of MCL for uranium. The current running annual average (RAA) from Well 2 on February 6, 2017 was established at an average

uranium concentration of 18.75 pCi/L as shown in Table 2.

**Table 1: Uranium Analysis Result (pCi/L) and RAA**

Well 1	6/8/2016	7/25/2016	11/14/2016	2/6/2017	RAA (pCi/L)
PS Code 3600114-001	27	22	23	26	24.5

**Table 2: Uranium Analysis Result (pCi/L) and RAA**

Well 2	6/8/2016	7/25/2016	11/14/2016	2/6/2017	RAA (pCi/L)
PS Code 3600114-002	20	18	18	19	18.7

### **DETERMINATIONS**

Based on the above Statement of Facts, the Division has determined that the Water System and its owner of record have violated CHSC, Section 116555 and Title 22, CCR, Section 64442 water produced by Well 1, exceeded the uranium MCL.

### **DIRECTIVES**

The Water System and its owner of record are hereby directed to take the following actions:

1. On or before **December 31, 2018**, comply with Title 22, CCR, and Section 64442 and remain in compliance.
2. On or before **July 15, 2017**, submit a written response to the Division indicating its agreement to comply with the directives of this Order and with the revised Corrective Action Plan addressed herein.
3. Commencing on the date of service of this Order, provide quarterly public notification in accordance with Attachment B, hereto, of the Water System's failure to meet the uranium MCL. The quarterly notification must include the most recent quarterly uranium results. **THIS DIRECTIVE IS CURRENTLY BEING IMPLEMENTED BY THE SYSTEM.**
4. Commencing on the date of service of this Order, submit proof of each public notification conducted in compliance with Directive No. 3, herein above, within 10 days following the quarter of notification, using the form provided as Attachment C, hereto, or by using a similar notification format. **THIS DIRECTIVE IS CURRENTLY BEING IMPLEMENTED BY THE SYSTEM.**
5. Commencing on the date of service of this Order collect quarterly samples for uranium from Well 1 and Well 2, as required by Section 64442 of Title 22, CCR, and ensure that the analytical results are reported to the Division electronically by the analyzing laboratory no later than the 10th day following the month in which the analysis was completed. **THIS DIRECTIVE IS CURRENTLY BEING IMPLEMENTED BY THE SYSTEM.**

6. Prepare for the Division approval a revised Corrective Action Plan identifying improvements to the water system designed to correct the water quality problem (violation of the uranium MCL) and ensure that the Water System delivers water to consumers that meets primary drinking water standards. The plan shall include a time schedule for completion of each of the phases of the project such as design, construction, and startup, and a date as of which the Water System will be in compliance with the uranium MCL.
7. On or before **September 30, 2017** submit the revised Corrective Action Plan required under Directive No. 6, above, to the Division's offices located at 385 North Arrowhead Avenue, 2nd Floor, San Bernardino, CA 92415.
8. Timely perform the Division-approved revised Corrective Action Plan and each and every element of said plan according to the time schedule set forth therein.
9. On or before **October 10, 2017** and every three months thereafter, submit a report to the Division in the form provided as Attachment D, hereto, showing actions taken during the previous calendar three months to comply with the revised Corrective Action Plan.
10. Not later than ten (10) days following the date of compliance with the uranium MCL, demonstrate to the Division that the water delivered by Water System complies with the uranium MCL.
11. Notify the Division in writing no later than five (5) days prior to the deadline for performance of any Directive set forth herein if Water System anticipates it will not timely meet such performance deadline.

All submittals required by this Order shall be addressed to:

Joy Chakma, Environmental Health Specialist III  
Division of Environmental Health Services  
385 North Arrowhead Avenue, San Bernardino, CA 92415

As used in this Order, the date of issuance shall be the date of this Order; and the Date of service shall be the date of service of this Order, personal or by certified mail, on the Water System.

The Division reserves the right to make such modifications to this Order and/or to issue such further order(s) as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Order and shall be deemed effective upon issuance.

Nothing in this Order relieves Water System or its owner of record of its obligation to meet the requirements of the California SDWA, or any regulation, standard, permit or order issued thereunder.

#### **PARTIES BOUND**

This Order shall apply to and be binding upon the Water System, its owners, shareholders, officers, directors, agents, employees, contractors, successors, and assignees.

**SEVERABILITY**

The Directives of this Order are severable, and Water System and its owner of record shall comply with each and every provision hereof, notwithstanding the effectiveness of any other provision.

**FURTHER ENFORCEMENT ACTION**

The California SDWA authorizes the Division to: issue a citation with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any regulation, permit, standard, citation, or order issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance order. The California SDWA also authorizes the Division to take action to suspend or revoke a permit that has been issued to a public water system if the public water system has violated applicable law or regulations or has failed to comply with an order of the Division. The Division does not waive any further enforcement action by issuance of this Order.



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Joy Chakma  
Environmental Health Specialist III  
Division of Environmental Health Services  
San Bernardino County

Direct Delivery.

Attachments:

Attachment A: Applicable Authorities

Attachment B: Tier 2 Public Notification Instructions and Template

Attachment C: Proof of Notification Template

Attachment D: Quarterly Progress Report Template

**APPENDIX 1**  
**Applicable Statutes and Regulations**  
**Citation No. 05\_66\_17C\_018\_3600114\_02 Violation of Uranium MCL**

**CHSC, Section 116275(h) states in relevant part:**

(h) "Public water system" means a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year.

**CHSC, Section 116275(i) states in relevant part:**

(i) "Community water system" means a public water system that serves at least 15 service connections used by yearlong residents or regularly serves at least 25 yearlong residents of the area served by the system.

**CHSC, Section 116555(a)(1) states in relevant part:**

- (a) Any person who owns a public water system shall ensure that the system does all of the following:
- (1) Complies with primary and secondary drinking water standards.

**CHSC, Section 116655 states in relevant part:**

- (a) Whenever the department determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:
- (1) Directing compliance forthwith.
  - (2) Directing compliance in accordance with a time schedule set by the department.
  - (3) Directing that appropriate preventive action be taken in the case of a threatened violation.
- (b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:
- (1) That the existing plant, works, or system be repaired, altered, or added to.
  - (2) That purification or treatment works be installed.
  - (3) That the source of the water supply be changed.
  - (4) That no additional service connection be made to the system.
  - (5) That the water supply, the plant, or the system be monitored.
  - (6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the department.

**Section 116701 (Petitions to Orders and Decisions) states:**

- (a) Within 30 days of issuance of an order or decision issued by the deputy director under Article 8 (commencing with Section 116625) or Article 9 (commencing with Section 116650), an aggrieved person may petition the state board for reconsideration. Where the order or decision of the deputy director is issued after a hearing under Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, this section shall apply instead of Section 11521 of the Government Code.
- (b) The petition shall include the name and address of the petitioner, a copy of the order or decision for which the petitioner seeks reconsideration, identification of the reason the petitioner alleges the issuance of the order was inappropriate or improper, the specific action the petitioner requests, and other information as the state board may prescribe. The petition shall be accompanied by a statement of points and authorities of the legal issues raised by the petition.
- (c) The evidence before the state board shall consist of the record before the deputy director and any other relevant evidence that, in the judgment of the state board, should be considered to implement the policies of this chapter. The state board may, in its discretion, hold a hearing for receipt of additional evidence.
- (d) The state board may refuse to reconsider the order or decision if the petition fails to raise substantial issues that are appropriate for review, may deny the petition upon a determination that the issuance of the order or decision was appropriate and proper, may set aside or modify the order or decision, or take other appropriate action. The state board's action pursuant to this subdivision shall constitute the state board's completion of its reconsideration.

(e) The state board, upon notice and hearing, if a hearing is held, may stay in whole or in part the effect of the order or decision of the deputy director.

(f) If an order of the deputy director is subject to reconsideration under this section, the filing of a petition for reconsideration is an administrative remedy that must be exhausted before filing a petition for writ of mandate under Section 116625 or 116700.

**Title 22, CCR, Section 64442 (hereinafter "Section 64442"), states in relevant part:**

- (a) Each community and nontransient-noncommunity water system (system) shall comply with the primary MCLs in Table 64442 in the drinking water supplied to the public and use the DLRs for reporting monitoring results:

**Table 64442**  
**Radionuclide Maximum Contaminant Levels (MCLs)**  
**and Detection Levels for Purposes of Reporting (DLRs)**

<i>Radionuclide</i>	<i>MCL</i>	<i>DLR</i>
Radium-226	5 pCi/L (combined radium-226 & -228)	1 pCi/L
Radium-228		1 pCi/L
Gross Alpha particle activity (excluding radon and uranium)	15 pCi/L	3 pCi/L
Uranium	20 pCi/L	1 pCi/L

(g) If any sample result is greater than an MCL:

- (1) For a system monitoring less than quarterly, quarterly samples shall be collected and analyzed to determine compliance, pursuant to subsection (h);
- (2) For a system that already has four consecutive quarterly results, compliance shall be determined pursuant to subsection (h).
- (3) The system shall monitor quarterly until the results of four consecutive quarterly sample results do not exceed the MCL.

(h) A system with one or more sample results greater than an MCL shall determine compliance with the MCL as follows:

- (1) At each sampling site, based on the analytical results for that site. Any confirmation sample result shall be averaged with the initial result.
- (2) Using all monitoring results collected under this section during the previous 12 months, even if more than the minimum required number of samples was collected.
- (3) By a running annual average of four consecutive quarters of sampling results. Averages shall be rounded to the same number of significant figures as the MCL for which compliance is being determined.
  - (A) If any sample result will cause the annual average at any sample site to exceed the MCL, the system shall be out of compliance immediately upon receiving the result;
  - (B) If a system has not analyzed the required number of samples, compliance shall be determined by the average of the samples collected at the site during the most recent 12 months; and
  - (C) If a sample result is less than the DLR in table 64442, zero shall be used to calculate the annual average, unless a gross alpha particle activity is being used in lieu of radium-226, total radium, and/or uranium. In that case, if the gross alpha particle

activity result is less than the DLR,  $\frac{1}{2}$  the DLR shall be used to calculate the annual average.

(4) If compositing is allowed at a sampling site, by the results of a composite of four consecutive quarterly samples.

(5) If the system can provide documentation that a sample was subject to sampling or analytical errors, the State Board may invalidate the result based on its review of the documentation, the sampling result, and the historical sampling data.

(6) Each system shall ensure that the laboratory analyzing its samples collected for compliance with this article calculates and reports the sample-specific Minimum Detectable Activity at the 95% confidence level (MDA95) along with the sample results. The MDA95 shall not exceed the DLR and shall be calculated as described in ANSI N42.23 Measurement and Associated Instrumentation Quality Assurance for Radiobioassay Laboratories, Appendix A.7.6 (September 10, 1995).



## Instructions for Tier 2 Chemical or Radiological MCLs Notice Template

### Template Attached

Since exceeding chemical or radiological maximum contaminant levels (MCLs) is a Tier 2 violation, you must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation [California Code of Regulations Title 22, Chapter 15, Section 64463.4(b)]. **Each water system required to give public notice must submit the notice to San Bernardino County, Division of Environmental Health Services (DEHS) for approval prior to distribution or posting, unless otherwise directed by the DEHS [64463(b)].**

### Notification Methods

You must use the methods summarized in the table below to deliver the notice to consumers. If you mail, post, or hand deliver, print your notice on letterhead, if available.

<i>If You Are a...</i>	<i>You Must Notify Consumers by...</i>	<i>...and By One or More of the Following Methods to Reach Persons Not Likely to be Reached by the Previous Method...</i>
Community Water System [64463.4(c)(1)]	Mail or direct delivery <sup>(a)</sup>	Publication in a local newspaper
		Posting in conspicuous public places served by the water system or on the Internet <sup>(b)</sup>
		Delivery to community organizations
Non-Community Water System [64463.4(c)(2)]	Posting in conspicuous locations throughout the area served by the water system <sup>(b)</sup>	Publication in a local newspaper or newsletter distributed to customers
		Email message to employees or students
		Posting on the Internet or intranet <sup>(b)</sup>
		Direct delivery to each customer

(a) Notice must be distributed to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system.

(b) Notice must be posted in place for as long as the violation or occurrence continues, but in no case less than seven days.

The notice attached is appropriate for the methods described above. However, you may wish to modify it before using it for posting. If you do, you must still include all the required elements and leave the health effects and notification language in italics unchanged. This language is mandatory [64465].

### Multilingual Requirement

The notice must (1) be provided in English, Spanish, and the language spoken by any non-English-speaking group exceeding 10 percent of the persons served by the water

system and (2) include a telephone number or address where such individuals may contact the water system for assistance.

If any non-English-speaking group exceeds 1,000 persons served by the water system, but does not exceed 10 percent served, the notice must (1) include information in the appropriate language(s) regarding the importance of the notice and (2) contain the telephone number or address where such individuals may contact the water system to obtain a translated copy of the notice from the water system or assistance in the appropriate language.

## **Population Served**

Make sure it is clear who is served by your water system -- you may need to list the areas you serve.

## **Corrective Action**

In your notice, describe corrective actions you are taking. Do not use overly technical terminology when describing treatment methods. Listed below are some steps commonly taken by water systems with chemical or radiological violations. Use one or more of the following actions, if appropriate, or develop your own:

- “We are working with San Bernardino County, Division of Environmental Health Services to evaluate the water supply and researching options to correct the problem. These options may include treating the water to remove [contaminant] or connecting to [system]’s water supply.”
- “We have stopped using the contaminated well. We have increased pumping from other wells, and we are investigating drilling a new well.”
- “We will increase the frequency at which we test the water for [contaminant].”
- “We have since taken samples at this location and had them tested. They show that we meet the standards.”

## **After Issuing the Notice**

Send a copy of each type of notice and a certification that you have met all the public notice requirements to the DDW within ten days after you issue the notice [64469(d)]. You should also issue a follow-up notice in addition to meeting any repeat notice requirements the DDW sets.

It is recommended that you notify health professionals in the area of the violation. People may call their doctors with questions about how the violation may affect their health, and the doctors should have the information they need to respond appropriately.

It is a good idea to issue a “problem corrected” notice when the violation is resolved.

## IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.  
Tradúzcalo o hable con alguien que lo entienda bien.

### County Service Area 70, Zone W-3 Has Levels of Uranium Above the Drinking Water Standard

Our water system recently violated a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what you should do, what happened, and what we are doing to correct this situation.

We routinely monitor for the presence of drinking water contaminants. Water sample results received on [date] showed uranium levels of [level and units]. This is above the standard, or maximum contaminant level (MCL), of 20 pCi/L.

#### What should I do?

- **You do not need to use an alternative water supply (e.g., bottled water).**
- This is not an immediate risk. If it had been, you would have been notified immediately. However, some people who drink water containing uranium in excess of the MCL over many years may have kidney problems or an increased risk of getting cancer.
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

#### What happened? What is being done?

[Describe corrective action]. We anticipate resolving the problem within [estimated time frame].

For more information, please contact [name of contact] at [phone number] or [mailing address].

*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.*

#### Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- **SCHOOLS:** Must notify school employees, students, and parents (if the students are minors).
- **RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS** (including nursing homes and care facilities): Must notify tenants.
- **BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS:** Must notify employees of businesses located on the property.

This notice is being sent to you by County Service Area 70, Zone W-3.  
State Water System ID#: 3600114. Date distributed: \_\_\_\_\_.

## Certification of Completion of Public Notification

\*Due to the Division of Environmental Health Services within 10 days of issuance of notice to customers

This form, when completed and returned to San Bernardino County, Division of Environmental Health Services (385 North Arrowhead Ave, 2<sup>nd</sup> Floor, San Bernardino, CA 92415 or fax to 909-387-4323), serves as certification that public notification to water users was completed as required by Title 22, California Code of Regulations, Sections 64463-64465.

**Public Water System Name:** \_\_\_\_\_

**Public Water System No.:** \_\_\_\_\_

☐ The notice was mailed to users on: \_\_\_\_\_

A copy of the notice is attached.

☐ The notice was hand delivered to water customers on: \_\_\_\_\_

A copy of the notice is attached.

☐ The notice was published in the local newspaper on: \_\_\_\_\_

A copy of the newspaper notice is attached.

☐ The notice was published in conspicuous places on: \_\_\_\_\_

A copy of the notice is attached.

A list of locations the notice was posted is attached.

☐ The notice was delivered to community organizations on: \_\_\_\_\_

A copy of the notice is attached.

A list of community organizations the notice was delivered to is attached.

I hereby certify that the above information is factual.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Disclosure: Be advised that Section 116725 and 116730 of the California Health and Safety Code state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for separate violation each day that the violation continues. In addition, the violators may be prosecuted in criminal court and, upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in the county jail not to exceed one year, or by both the fine and imprisonment.

System Number: **3600114** 05\_66\_17C\_018\_3600114\_02

# Quarterly Progress Report

Water System: <b>County Service Area 70 W-3</b>	Water System No.: <b>3600114</b>
Compliance Order No.: 05_66_17C_018_3600114_02	Violation: <b>Uranium MCL</b>
Calendar Quarter:	Date Prepared:

This form should be prepared and signed by Water System personnel with appropriate authority to implement the directives of the Compliance Order and the Corrective Action Plan. Please attach additional sheets as necessary. The quarterly progress report must be submitted by the 10th day of each subsequent quarter, to San Bernardino County, Division of Environmental Health Services.

## Summary of Compliance Plan:

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## Tasks completed in the reporting quarter:

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## Tasks remaining to complete:

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Anticipated compliance date: \_\_\_\_\_

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date